

REMARKS

Applicant's counsel thanks the Examiner for the careful consideration given the application.

Interview Summary

Applicant's counsel also thanks the Examiner for the courteous telephone interview conducted on August 7, 2008, participated in by the Examiner, applicant's counsel, John Murtaugh, and applicant's technical consultant, Jennifer Jannuska. During the interview, applicant discussed with the Examiner several proposed additional limitations to the main claim, which further detailed the LoanCap limitation. Applicant explained the LoanCap concept and how it defined over the prior art. Applicant agreed to file a Request for Continued Examination with an amendment incorporating these additional features. The Examiner agreed to further consider the claims and to do update searching. The Examiner suggested a few changes to the wording of applicant's proposed changes, which the applicant has included.

Claim Rejections – 35 USC § 103

Claims 1-23 have been rejected as unpatentable over Lloyd (US Pat. No. 4,876,648) in view of Florance (US Pat. No. 6,871,140) in further view of Cheetham (US Pat. No. 6,115,694). However, none of the references teaches or suggests the claimed subject matter, and specifically, none of the references teaches or suggests a "LoanCap" that comprises an amount determined by comparison of:

- (i) a loan-to-value assessment of the requested loan amount in the loan application, in light of a declared property value in the loan application, provided that the declared property value can be substantiated by the valuation data;
- (ii) a high value limit set by the lender; and
- (iii) an amount representing the lender's worst case scenario taking into consideration a minimum property value according to the valuation data and the lender's costs if the applicant defaults on the loan.

This feature is present in the claims by virtue of presently-filed amendments in claims 1 and 14. Support for the feature can be found, for example, in the description of the "Determination of the Final LoanCap" (line 22, page 18 through line 6, page 19).

In particular, none of the references discusses any consideration of a lender's "worst case scenario".

Lloyd relates to a computerized mortgage implementing system, which helps establish and maintain mortgage plans based upon mortgages at least partially collateralized by investment vehicles. Although Lloyd relates to a system dealing with real property and mortgage loans, Lloyd does not relate in any way to automated decision making about loan applications, and certainly does not teach or suggest taking into consideration a lender's worst case scenario when deciding on a LoanCap (a maximum amount to permit the borrower to borrow).

Florance relates to a digital marketplace for commercial real estate. As the Examiner points out, Florance teaches using an address to look up various information about a real property. However, Florance does not relate in any way to automated decision making about loan applications, and does not teach or suggest taking into consideration a lender's worst case scenario when deciding on a LoanCap. The word "cap" is used in Florance (see for example col. 29, line 17), but it is used in the sense of a "cap rate" (i.e. highest interest rate), which does not relate to the value of a property itself, or how much a lender should lend using an automated loan decision-making system.

Cheetham relates to a computer implemented system for validation of prices of real property. In this sense, it is similar to the "AVM" systems mentioned in the present application. However, the Cheetham system does not provide for automated decision making about loan applications, and does not teach or suggest taking into consideration a lender's worst case scenario when deciding on a LoanCap. The Examiner points to the "preference criteria" in Cheetham. This is simply about weighting comparable features in similar properties to determine a valuation for a property. Cheetham does not teach or suggest automated decision making about loan applications, and does not teach or suggest taking into consideration a lender's worst case scenario when deciding on a LoanCap.

For all the foregoing reasons, it is believed that the claims as now presented define over the applied references, and are accordingly in condition for allowance, which is respectfully requested.

If any additional fees are required by this communication, please charge such fees to our Deposit Account No. 16-0820, Order No. DEE-34171.

Respectfully Submitted,
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